IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 5TH JANUARY 2007 / 15TH PAUSHA 1928

WP(C).No. 34605 of 2006(T)

PETITIONER:

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1. A.M.SHAREEF, AGED 50 YEARS,
   S/O.ABDULLA KOYA,
   KOCHUPARAMBIL HOUSE,
   CIVIL STATION WARD, ALAPPUZHA.

2. HAMID YAFFI, AGED 46 YEARS,
   S/O.ABDUL KHADER YAFFI,
   YAFFI HOUSE, CIVIL STATION WARD,
   ALAPPUZHA,.

3. NOUFAL,AGED 43 YEARS
   S/O.ABDULLA KOYA
   CHAKKUPARAMBU
   CIVIL STATION WARD, ALAPPUZHA

BY ADV. SRI.A.T.ANILKUMAR

RESPONDENTS:

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1. STATE OF KERALA
   REP BY SECRETARY TO THE GOVERNMENT,
   SECRETARIAT,THIRUVANATHAPURAM.

2. DISTRICT COLLECTOR,
   ALAPPUZHA.

3. REVENUE DIVISIONAL OFFICER,
   ALAPPUZHA.

4. P.K.MUHAMMAD BADUSHA SAHAFFI
   GENERAL SECRETARY, MUGHAM PARIPALARIA
   SANGHAM, CIVIL STATION WARD, ALAPPUZHA.

R1 TO 3 BY G.P. SRI.I.V.PROMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.34605 of 2006

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Dated this the 5th day of January, 2007.

JUDGMENT

The allegation of the petitioners is that the 4th respondent is interfering with the burial ground attached to a mosque under cover of protection of a Mugham. The burial ground naturally would be under the control of the Jama ath which is not a party in this writ proceedings. If there is any dispute pertaining to religious matters, I feel the appropriate authority to decide the same should be the Wakf Board. However, if there is any law and order problem on account of dispute between petitioners or other Mahal members with the 4th respondent, the District Collector will ensure that peace is maintained. The W.P. is accordingly disposed of directing the second respondent to look into the complaint and if there is a religious dispute, refer the matter to the concerned Wakf Board and in any case he will see that no law and order situation arises.

C.N.RAMACHANDRAN NAIR
Judge

pms